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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,257	06/29/2000	Harry R. Chesley	4254 15-641	7537

38991 7590 02/23/2005

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EXAMINER
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EL CHANTI, HUSSEIN A

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/606,257

Applicant(s)

CHESLEY, HARRY R.

Examiner

Hussein A El-chanti

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 12-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is responsive to RCE received on Oct. 4, 2004. Claims 1, 12 and 18 were amended. Claims 9-11 were canceled. Claims 25-43 were newly added.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 8, 12, 14, 17-18, 21, 23, 25-30 and 39-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Fairchild et al., U.S. Patent No. 6,728,760.

Fairchild teaches the invention explicitly as claimed including an system and method of updating media content on the internet and sending a notification to all the clients on the network prompting clients to retrieve the update (see abstract).

As per claim 1, Fairchild teaches a method of communicating between a plurality of client computers comprising the steps of:

Providing data on a data source and communicating the data from the data source to one or more of a plurality of client computers in response to a request for data by said one or more client computers (see col. 8 lines 5-10, server contains media content that may be modified by a user);

Updating the data on the data source by sending data from one of the plurality of client computers to said data source (see col. 8 lines 5-10, user updates media content on server).

Communicating a fact that the data available on the data source has been updated by communicating and prompting said other client computers to access the updated data from the data source (see col. 8 lines 11-25, user maintains a list of all users that have a shortcut to the media content and automatically sends an update notification message to all the users on the list).

As per claims 12 and 18, Fairchild teaches a computer readable medium and method respectively of communicating information performing the steps of:

Providing data on a data source and communicating the data from the data source to one client computers in response to a request for data by said one client computers (see col. 8 lines 16-25).

Updating the data on the data source and communicating the fact that the data available on the data source has been updated by communicating an update message to said plurality of computers to access the updated data from the data source or computer server (see col. 8 lines 25-30).

Communicating a fact that the data available on the data source has been updated by communicating and prompting said other client computers to access the updated data from the data source (see col. 8 lines 11-25, user maintains a list of all users that have a shortcut to the media content and automatically sends an update notification message to all the users on the list).

As per claims 3 and 14, Fairchild teaches the method and medium of claims 1 and 12 additionally comprising the step of providing a communications interrupt server which communicates client to client messages between multiple client computers (see col. 8 lines 8-46).

As per claims 8 and 17, Fairchild further teaches the method and medium of claims 1 and 12 respectively wherein the data source comprises a server computer (see col. 6 lines 10-17).

As per claim 21, Fairchild teaches the method of claim 18 wherein the server computer stores a message hierarchy in a goal directed messaging system for tabulating messages from multiple clients and wherein the update message indicates the message hierarchy has been updated (see col. 6 lines 50-60, a list of all users that have a shared resource is maintained whereupon an update is detected, a message is sent to all the clients on the list).

As per claim 23, Fairchild teaches the method of claim 18 wherein the server computer stores a database for storing information made available from multiple clients and wherein the update message indicates the database has been updated (see col. 8 lines 49-65 and col. 4 lines 26-49).

As to claim 25, Fairchild teaches a method of updating data within a data base comprising: providing new data to a database by one client computer of a plurality of client computers; incorporating the new data into the database; and communicating by the one client computer of the plurality of client computers to a remaining plurality of

client computers that new data to the database has been provided (see col. 8 lines 10-54).

As to claim 26, Fairchild teaches the method of updating data within a data base of claim 25, further comprising requesting updated data from a server computer by the remaining plurality of client computers (see col. 8 lines 10-54).

As to claim 27, Fairchild teaches the method of updating data within a data base of claim 25, in which incorporating the new data into the database is performed by database management software executing on a database server that contains the database (see col. 8 lines 10-54).

As to claim 28, Fairchild teaches the method of updating data within a data base of claim 25, in which the plurality of client computers are coupled to the database (see col. 8 lines 10-54).

As to claim 29, Fairchild teaches the method of updating data within a data base of claim 25, in which communicating by the one client computer, of the plurality of client computers, to a remaining plurality of client computers is done by a client to client message (see col. 8 lines 10-54).

As to claim 30, Fairchild teaches the method of updating data within a data base of claim 25, in which the data base is divided into a plurality of distinct areas having a real time channel defined (see col. 8 lines 10-54).

As to claim 39, Fairchild teaches a computer system for providing a goal directed messaging system comprising: communications from a leader utilizing client to client messaging to a plurality of members to indicate that an update has occurred;

communications from a member of a plurality of members, and to the leader, utilizing client to client messaging to indicate that an update has occurred; providing a message hierarchy to order the communications; and directing responses according to the message hierarchy (see col. 8 lines 10-54).

As to claim 40, Fairchild teaches the computer system for providing a goal directed messaging system of claim 39, in which the message hierarchy assigns a plurality of types and goals to the communications to form a plurality of node types.

As to claim 41, Fairchild teaches the computer system for providing a goal directed messaging system of claim 40 in which the goal is changed by the leader to expedite project completion (see col. 8 lines 10-54).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 13, 34-36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fairchild.

As to claims 2 and 13, Fairchild teaches the method and medium of claims 1 and 12 wherein the data source and the plurality of client computers communicate information wherein a client computer periodically polls the data source and further wherein said client computers poll the data source in response to a client to client

message concerning an updating of data on the data source from another client (see col. 8 lines 35-44).

However Fairchild does not explicitly teach the client computer uses HTTP browser. Official notice is taken as evident by Microsoft computer Dictionary that it would have been for one of the ordinary skill in the art at the time of the invention to modify Fairchild polling means by using HTTP browser because doing so would allow the user to transport content over the web using a universally used protocol using secure communication.

As to claims 34 and 38, Fairchild teaches a system of updating data within a data base comprising: providing new data to a database by one client computer of a plurality of client computers; incorporating the new data into the database; and communicating by the one client computer of the plurality of client computers to a remaining plurality of client computers that new data to the database has been provided (see col. 8 lines 10-54).

However Fairchild does not explicitly teach the client computer uses HTTP browser. Official notice is taken as evident by Microsoft computer Dictionary that it would have been for one of the ordinary skill in the art at the time of the invention to modify Fairchild polling means by using HTTP browser because doing so would allow the user to transport content over the web using a universally used protocol using secure communication.



As to claim 35, Fairchild teaches the system for transmitting information between computers of claim 34 in which data on the server computer is updated by data sent by one of the plurality of client computers (see col. 8 lines 10-54).

As to claim 36, Fairchild teaches the system for transmitting information between computers of claim 34 in which data on the server computer is updated by server software performing an update (see col. 8 lines 10-54),

4. Claims 4-7, 15-16, 19-20, 22, 24, 31-33, 37 and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fairchild in view of Kohda et al, U.S. Patent 6,249,806 (referred to hereafter as Kohda).

As to claims 4, 15, 19, 33, 37 and 42-43, Fairchild teaches a method and medium respectively of communicating between a plurality of client computers comprising providing data on a data source and communicating the data from the data source to one or more of a plurality of client computers in response to a request for data by said one or more client computers; updating the data on the data source by sending data from one of the plurality of client computers to said data source and communicating the fact that the data available on the data source has been updated by communicating a client to client message from the client computer that updated the data to other client computers thereby prompting said other client computers to access the updated data from the data source (see the rejection of claim 1).

Fairchild does not explicitly teach the limitation "the client to client message is formatted in accordance with an internet relay chat protocol".

However Kohda teaches a communications system that allows client to access stored information on a server (see abstract) wherein the client to client message is formatted in accordance with an internet relay chat protocol (see col. 8 lines 25-42).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Fairchild by implementing an internet relay chat protocol to communicate update messages as taught by Kohda because using the internet relay chat protocol would allow tens of thousands of users to share and transfer files in real time.

As per claims 5 and 20, Kohda further teaches the method of claims 4 and 18 respectively where the data source maintains a database of information and wherein different portions of the database are assigned a unique internet relay chat channel (see col. 10 lines 32-44).

As per claims 6 and 31, Fairchild teaches the data source maintains a goal based message hierarchy having message nodes (see col. 8 lines 49-65 and col. 4 lines 26-49). Kohda teaches updates to one or more nodes in a group of such nodes are assigned to an internet relay chat channel (see col. 6 lines 41-64 and claim 22).

As per claims 7, 16 and 32, Kohda teaches the method and medium of claims 4, 15 and 18 respectively comprising the step of providing a communications interrupt server which communicates messages between multiple client computers by means of said internet relay chat protocol (see col. 8 lines 25-42).

As per claim 22, Fairchild teaches the method of claim 21 wherein the message hierarchy is divided into nodes which form groups of one or more nodes (see col. 6 lines

50-60, a list of all users that have a shared resource is maintained whereupon an updated is detected, a message is sent to all the clients on the list).

Fairchild does not explicitly teach the update message is in the form of an internet relay protocol.

However Kohda teaches a communications system that allows client to access stored information on a server (see abstract) wherein the client to client message is formatted in accordance with an internet relay chat protocol (see col. 8 lines 25-42).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Fairchild by implementing an internet relay chat protocol to communicate update messages as taught by Kohda because using the internet relay chat protocol would allow tens of thousands of users to share and transfer files in real time.

As per claim 24, Kohda teaches the database of claim 23 divided into data and said data portions are assigned channels in an internet relay chat protocol that implements update message (see col. 10 lines 32-44).

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A El-chanti whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

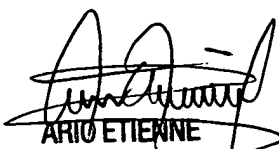
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hussein Elchanti

Feb. 16, 2005

  
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